

1 10A NCAC 13B .3903 is readopted with changes as published in 36:12 NCR 1029-1032 as follows:

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3 **10A NCAC 13B .3903 PRESERVATION OF MEDICAL RECORDS**

4 (a) The manager of the medical records service shall maintain medical records, records that were created when the
5 patient was an adult, whether original, computer media, or microfilm, digital archived for a ~~minimum of~~ 11 years
6 following the discharge of an adult patient.

7 (b) The manager of medical records shall maintain medical records of a patient who is a minor until the patient's 30th
8 birthday. that were created when the patient was a minor, whether original, computer media, or digital archived, until
9 the patient's 30th birthday. If a minor patient is readmitted as an adult, the manager of the medical records shall
10 maintain medical records according to Paragraph (a) of this Rule.

11 (c) If a hospital discontinues operation, its management shall make known to the Division where its records are stored.
12 Records shall be stored in a business offering retrieval services for ~~at least~~ 11 years after the closure ~~date, date or~~
13 according to Paragraph (b) of this Rule if the patient was a minor.

14 (d) ~~The hospital shall give public notice prior to destruction of its records, to permit former patients or representatives~~
15 ~~of former patients to claim the record of the former patient. Public notice shall be in at least two forms: written notice~~
16 ~~to the former patient or their representative and display of an advertisement in a newspaper of general circulation in~~
17 ~~the area of the facility.~~

18 ~~(e)~~(d) The manager of medical records may authorize the microfilming digital archiving of medical records.
19 Microfilming Digital archiving may be done on or off the premises. If done off the premises, the facility shall provide
20 for the confidentiality and safekeeping of the records. The original of microfilmed digital archived medical records
21 shall not be destroyed until the medical records department has had an opportunity to review the processed film digital
22 record for content.

23 ~~(f)~~(e) Nothing in this Section shall be construed to prohibit the use of automation in the medical records service,
24 provided that all of the provisions in this Rule are met and the information is readily available for use in patient care.

25 ~~(g)~~(f) Only personnel authorized by ~~state~~ State laws and the Health Insurance Portability and Accountability Act
26 (HIPAA) regulations found in 42 CFR 482, which is incorporated by reference including subsequent amendments and
27 editions, shall have access to medical records. This regulation may be obtained free of charge at
28 <https://www.govinfo.gov/help/cfr>. Where the written authorization of a patient is required for the release or disclosure
29 of health information, the written authorization of the patient or authorized representative shall be maintained in the
30 original record as authority for the release or disclosure.

31 ~~(h)~~(g) Medical records are the property of the hospital, and they shall not be removed from the facility jurisdiction
32 shall remain the property of the hospital, except through a court order. Copies shall be made available for authorized
33 purposes such as insurance claims and physician review.

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35 *History Note:* Authority ~~G.S. 90-21.20B;~~ 131E-75(b); 131E-79; 131E-97; 143B-165;

36 *Eff. January 1, 1996;*

37 *Amended Eff. July 1, 2009; 2009;*

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Readopted Eff. August 1, 2023.